

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLACK LIVES MATTER SEATTLE-KING  
COUNTY, ABIE EKENEZAR, SHARON  
SAKAMOTO, MURACO KYASHNA-  
TOCHA, ALEXANDER WOLDEAB,  
NATHALIE GRAHAM, and ALEXANDRA  
CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

NO. 2:20-cv-00887

JOINT SUBMISSION REGARDING  
SCOPE AND SCHEDULING RELATED  
TO COURT'S CONSIDERATION OF  
PLAINTIFFS' MOTION FOR  
CONTEMPT (ECF 114)

Pursuant to the status conference held with the Court on October 14, 2020, and the Court's MINUTE ENTRY issued the same date, the parties have met and conferred on the proposed scope and schedule for the Court's consideration of plaintiffs' Motion for Contempt filed at ECF 114. The parties provide this Joint Submission in anticipation of the STATUS HEARING set for October 20, 2020, at 10:00 am via Zoom videoconference.

JOINT SUBMISSION RE. MOTION FOR  
CONTEMPT PROCEEDINGS - 1

**CHRISTIE LAW GROUP, PLLC**  
2100 WESTLAKE AVENUE N., SUITE 206  
SEATTLE, WA 98109  
206-957-9669

1 The parties agree that the Court can consider the Motion for Contempt based entirely on  
2 the written submissions and without any live testimony. The parties do request an opportunity to  
3 present oral argument.

4 The parties propose the following with respect to the scope and schedule of the parties'  
5 submissions:

- 6 1. The scope of evidence for the Court to consider in support of Plaintiffs' Motion for  
7 Contempt (ECF 114) consists of the following previously filed declarations:
- 8 a. Declaration of David Perez (ECF 115)
  - 9 b. Declaration of Jasper Wensnaham (ECF 116)
  - 10 c. Declaration of Joshua Servian (ECF 117)
  - 11 d. Declaration of Michael Scaturro (ECF 118)
  - 12 e. Declaration of Omari Salisbury (ECF 119)
  - 13 f. Declaration of Richard Smith (ECF 120)
  - 14 g. Declaration of Casey Martin (ECF 121)
  - 15 h. Declaration of Melissa Schade (ECF 122)
  - 16 i. Declaration of Emily Grace Robinson (ECF 123)
  - 17 j. Declaration of Madison Lynn Haughie (ECF 124)
  - 18 k. Declaration of Ashton Eby (ECF 125)
  - 19 l. Declaration of Sean Swanson (ECF 126)
  - 20 m. Declaration of Kristi Krein (ECF 127)
  - 21 n. Declaration of Casey Karhu (ECF 128)

1 o. Declaration of Alexandria Wommack (ECF 129)

2 p. Declaration of Alexandra Chen (ECF 130)

3 q. Declaration of Carter Tinney (ECF 131)

4 r. Declaration of Kristin Mowery (ECF 132)

5 s. Declaration of Ames Frazier (ECF 133)

6 t. Declaration of Marilyn Flynn (ECF 134)

7 u. The video clips and other evidence referenced in these materials and in the  
8 motion.

9 2. Defendant will file its Response to plaintiffs' Motion along with all supporting  
10 declarations and video/photographic evidence by November 2, 2020, unless the Court  
11 extends this deadline to November 9, 2020, as defendant requested in the October 14,  
12 2020, hearing. Plaintiffs oppose any extension beyond November 2, 2020.

13 a. With regard to any video that is only a partial recording that Defendant submits  
14 to the Court,

15 i. Defendants propose to provide to Plaintiffs an extended clip that  
16 includes 30 seconds before and after the section submitted.

17 ii. Plaintiffs propose that Defendants provide the entirety of any such video  
18 recording.

19 b. In addition,

20 i. Plaintiffs propose that Defendants provide to Plaintiffs any other  
21 relevant video evidence Defendant discovers in its review of videos

1 even if it chooses not to include this video evidence in its submission to  
2 the Court. Plaintiffs contend this approach will not impose any  
3 additional burden on Defendant and is consistent with Defendant's  
4 representations to the Court in connection with Plaintiffs' first contempt  
5 motion.

6 ii. Defendants oppose this since its Response will be focused on the  
7 specific events and allegations in Plaintiffs' motion. The broad  
8 discovery standard of "relevance" should not be applied to this narrow  
9 and focused motion.

10 c. Defendant agrees that these supplemental videos will be submitted to Plaintiffs  
11 contemporaneously with Defendant's submission to the Court. Consistent with  
12 LCR 5(g) Defendant will arrange to meet and confer with Plaintiffs should it  
13 believe that any response materials should be filed under seal.

- 14 3. Plaintiffs will have 7 calendar days after receiving Defendant's Response in which to  
15 file any Reply brief and rebuttal evidence.
- 16 4. Defendant will have 7 calendar days after receiving plaintiffs' Reply in which to file  
17 any Surreply brief and evidence strictly limited to addressing only declarations from  
18 new individuals or other new evidence filed as part of the Reply.
- 19 5. The parties agree to a bifurcated proceeding, where the first step for consideration in  
20 the present Motion is whether or not the City has violated this Court's Stipulated Order  
21 Entering A Preliminary Injunction (ECF 42) or its Order Granting Stipulated

Clarification Of Preliminary Injunction (ECF 110). The outcome of this first step will determine whether and how the Court will address any issue of sanctions.

DATED this 19<sup>th</sup> day of October, 2020.

CHRISTIE LAW GROUP, PLLC

By /s/ Robert L. Christie

By /s/ Thomas P. Miller

By /s/ Ann E. Trivett

By /s/ Megan M. Coluccio

ROBERT L. CHRISTIE, WSBA #10895

THOMAS P. MILLER, WSBA #34473

ANN E. TRIVETT, WSBA #39228

MEGAN M. COLUCCIO, WSBA #44178

Attorneys for Defendant City of Seattle

2100 Westlake Avenue N., Suite 206

Seattle, WA 98109

Phone: 206-957-9669

Email: [bob@christielawgroup.com](mailto:bob@christielawgroup.com)

[tom@christielawgroup.com](mailto:tom@christielawgroup.com)

[ann@christielawgroup.com](mailto:ann@christielawgroup.com)

[megan@christielawgroup.com](mailto:megan@christielawgroup.com)

PETER S. HOLMES

Seattle City Attorney

By /s/ Ghazal Sharifi

By /s/ Carolyn U. Boies

GHAZAL SHARIFI, WSBA# 47750

CAROLYN U. BOIES, WSBA #40395

Attorneys for Defendant City of Seattle

Assistant City Attorneys

Seattle City Attorney's Office

701 Fifth Avenue, Suite 2050

Seattle, WA 98104

Phone: 206-684-8200

E-mail: [Ghazal.Sharifi@seattle.gov](mailto:Ghazal.Sharifi@seattle.gov)

[Carolyn.Boies@seattle.gov](mailto:Carolyn.Boies@seattle.gov)

1 By: s/ David A. Perez  
2 By: s/ Carolyn S. Gilbert  
3 By: s/ Rachel Haney  
4 By: s/ Nitika Arora  
5 By: s/ Heath Hyatt  
6 By: s/ Paige L. Whidbee  
7 David A. Perez #43959  
8 Carolyn S. Gilbert #51285  
9 Rachel Haney #52637  
10 Nitika Arora #54084  
11 Heath Hyatt #54141  
12 Paige L. Whidbee # 55072

13 **Perkins Coie LLP**  
14 1201 Third Avenue, Suite 4900  
15 Seattle, WA 98101-3099  
16 Telephone: 206.359.8000  
17 Facsimile: 206.359.9000  
18 Email: DPerez@perkinscoie.com  
19 CarolynGilbert@perkinscoie.com  
20 RHaney@perkinscoie.com  
21 NArora@perkinscoie.com  
HHyatt@perkinscoie.com  
PWhidbee@perkinscoie.com

By: s/ Molly Tack-Hooper  
By: s/ Nancy L. Talner  
By: s/ Lisa Nowlin  
By: s/ Breanne Schuster  
By: s/ John Midgley  
Molly Tack-Hooper, #56356  
Nancy L. Talner #11196  
Lisa Nowlin #51512  
Breanne Schuster #49993  
John Midgley #6511

19 **American Civil Liberties Union of**  
20 **Washington Foundation**  
21 P.O. Box 2728  
Seattle, WA 98111  
Telephone: (206) 624-2184

Email: mtackhooper@aclu-wa.org  
talner@aclu-wa.org  
lnowlin@aclu-wa.org  
bschuster@aclu-wa.org  
jmidgley@aclu-wa.org

By: s/ Robert S. Chang

By: s/ Melissa Lee

By: s/ Jessica Levin

Robert S. Chang, #44083

Melissa Lee #38808

Jessica Levin #40837

**Fred T. Korematsu Center for Law and  
Equality**

Ronald A. Peterson Law Clinic

Seattle University School of Law

1112 E. Columbia Street

Seattle, WA 98122

Telephone: 206.398.4025

Fax: 206.398.4077

Email: changro@seattleu.edu

*Attorneys for Plaintiffs Black Lives Matter  
Seattle-King County, Abie Ekenezar, Sharon  
Sakamoto, Muraco Kyashna-tochá, Alexander  
Woldeab, Nathalie Graham, and Alexandra  
Chen*